

Montres
Invite Inspection
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Duo-Art Players.

The China Mail.

FOLLOW
THE
ARROW
STOP
AT
ULLMANN'S.

August 11, 1921, Temperature 77

Barometer 29.70

Rainfall 0.02 inch

Humidity 95

August 11, 1920, Temperature 82

No. 18,335

四拜禮

號一十月八年一十二百九千一英

HONGKONG, THURSDAY, AUGUST 11, 1921.

日八初月七酉辛大歲年十國民華中

PRICE \$3.00 Per Month

BUSINESS NOTICES

PERFECTION AT LAST.

The only Player Piano that does not
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THE DUO-ART

manufactured by The Aeolian Company
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Reproduces perfectly, selections as played
by all the leading Pianists of the World,
including Paderewski himself.

Demonstration gladly given to anyone
interested.

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CRESCENT
Instantaneous
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We sell the Crescent Water Heater because it is the
most economical, durable and efficient heater made.
Never any waste of fuel—boils only
the amount of water you want.
We also sell the Crescent
Automatic Heater that sup-
plies water to any part of the
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TO-MORROW, AUGUST 12th, 1921

is your last opportunity

to purchase a piece of Wonderful

BACCARAT

with an appreciable Reduction of

33 1/3 %

J. ULLMANN & CO.

HONGKONG.

TO-DAY'S CABLES.

(Enter's Service to the China Mail)

SILSIAN EXPERTS CHEERFUL.

SUPREME COUNCIL DELIBERATES NEAR EASTERN SITUATION.

OVER 50,000 GERMAN GUNS SURRENDERED.

PARIS, August 10.

Far from any evidence of strained feelings among the committee of Upper Silesian experts who resumed their labours this morning the proceedings were characterized by a friendliness and cheerful atmosphere. It is understood that good progress in being made. It is believed that a solution to the question will be reached shortly. Meanwhile the Supreme Council is deliberating on the Near Eastern situation.

An important report has been received showing that Germany is satisfactorily fulfilling her obligations in respect of handing over arms. Only 223 big guns are left, making over 50,000 surrendered or destroyed to July 28. The correspondent adds that an undoubted spirit of conciliation is now being manifested in contrast to the recent irritation. The British Premier's policy of holding the balance evenly greatly impressed all hearers.

It is anticipated that the Council will rise on August 13.

GERMAN NEWSPAPERS WELCOME PREMIER'S SPEECH.

Berlin, August 10.

Mr. Lloyd George's speech at the Supreme Council is welcomed by the newspapers. The *Vorwaerts* rejoices in the reputation of Erich saube ratting. The *Allgemeine Zeitung* declares that it is the first important news from Paris and proves that Mr. Lloyd George is abiding by his pre-conference view. The *Deutsche Zeitung* says that the speech was extraordinarily able and impressive. At last a power had had the nerve to back French violence. *Deutsches Tages* says that his candour as regards France is refreshing. The *Boersen Courier* thinks it premature to speak of British victory, but Mr. Lloyd George has achieved undeniable success.

STARVING RUSSIA.

SUPREME COUNCIL'S INTERNATIONAL COMMITTEE.

PARIS, August 11.

The Supreme Council discussed the Russian famine and decided to appoint an international committee to collaborate with the American Red Cross to study the possibility of bringing aid to starving Russia. Mr. Lloyd George said that he had no admiration for the Soviet Government but relief was impossible without its co-operation and for this purpose only the Allies should come to an arrangement with the Soviet. The committee will be appointed to-morrow.

NEW 30,000 TON LINER.

KEEL LAID DOWN AT BELFAST FOR HOLLAND-AMERIKA LINE.

LONDON, August 10.

The keel has been laid at Belfast of the 30,000-ton liner "Statendam" for the Holland-Amerika Line. This is the biggest ship laid down since the war. Messrs. Harland and Wolff are also building the engines of twelve steamers for the same line of which the hulls are being constructed in Holland.

HARNESSING THE TIDES.

AMERICAN ENGINEERS' £30,000,000 SCHEME FOR BAY OF ST. MICHEL.

PARIS, August 10.

A group of American engineers, backed by American financiers, has submitted plans to harness the tides of the Bay of St. Michel at an estimated cost of £30,000,000. They propose to construct a carrier twelve miles long across the bay with special outlets for rivers and openings for steamers. They hope the installation will produce six billion kilowatt an hour, worth £20,000,000 annually.

NAVAL CONSTRUCTION.

BRITAIN AND THE UNITED STATES.

LONDON, August 10.

In the House of Commons at question-time, Lt.-Colonel Andry, Parliamentary and Financial Secretary to the Admiralty, agreed that if the Bill dealing with the construction of six battleships and two battle cruisers now before the United States Congress were passed, the United States would be still be ahead of Britain in new construction.

OUR HUGE TRADE LOSSES.

STARTLING COMPARISON WITH LAST YEAR.

LONDON, August 10.

The Board of Trade returns for July show a huge shrinkage of business compared with July last year. Imports to the value of £80,757,000 were registered, a decrease of £82,370,000. The exports valued at £43,172,000, showed a reduction of £94,280,000.

CLASH WITH POLY.

BRITISH TROOPS SUFFER CASUALTIES IN FRONTIER FIGHT.

Berlin, August 10.

The *Vossische Zeitung's* Breslau correspondent reports that Polish bands which crossed the frontier near Rosenberg were driven back after a fight with the police and British troops. The latter suffered casualties.

RUSSIAN NEWS.

DUTCH RUBBER GROWERS AGAINST FURTHER RESTRICTION.

AMSTERDAM, August 10.

The majority of the Dutch members of the International Association of Rubber Growers, meeting at the Hague, yesterday, have voted against any further restriction of rubber exports.

THE DOLLAR.

To-day's closing rate 2/8 3/8

To-day's opening rate 2/8 3/8

CORRESPONDENCE.

A TOO EASY SPELLING TEST.

(To the Editor of the "China Mail.")

Sir,—It is good to be beaten sometimes. I was beaten yesterday fairly and squarely. A wag asked me if I was good at Spelling. I rather pride myself on knowing quite a number of words in the Dictionary, so I answered—"Yes, fairly."

So "he" said—"Take down the following sentence as I dictate it, and if you spell every word right I will buy the goods."

Being thirsty I said "done." This is what he gave me—

"Not far from a cemetery, hard by a seminary, an embarrassed cobbler, somewhat harassed, was gazing with unparalleled ecstasy the symmetry of a lady's ankle."

Perhaps some of your readers would like to try it on some of their clever friends?

Yours, etc.,

WILLIAM HILL,

Hongkong, August 11, 1921.

SPORT.

INTERPORT SWIMMING.

SOME SHANGHAI REFLECTIONS.

Dealing with the much discussed forthcoming Interport Swimming contest, in which Shanghai has been invited by the Victoria Recreation Club to compete against Hongkong here, the *North China Daily News* of August 3, says—

Interest in the coming Interport contest has been overshadowed during the past few days by the approaching "League" Polo matches for the John Johnson Cup.

An Interport contest, the article continued, is always the happiest, and most looked-forward to event of any sports season. A swimmer of the local clubs would immediately feel indignant were an outsider to suggest that Shanghai is not going to send a team to Hongkong. But the fact remains that considerable difficulty is being experienced by all the clubs in getting together a list of men who are sufficiently promising swimmers and at the same time can be relied upon to be sure of absenting themselves from business for a fortnight. As luck will have it, many of the best Shanghai swimmers have lately returned from leave to the United Kingdom, and some feel very dubious about having another fortnight's "holiday" so soon after their return. Featherstonhaugh of the Rowing Club, one of the best short distance swimmers we have, is one who will probably find it impossible to get away.

INNERS SCORED BY CUPID.

SOME SHOOTING.

The following forthcoming marriages are announced—

Mr. R. E. Hoare, engineer of the Kowloon Docks, of No. 30, Deck Terrace, Kowloon, to Miss Clara Lawson en route from England by the "Atsuta Maru."

Mr. W. Greig, shipwright of the Kowloon Docks, of No. 9, "B" Dock, Kowloon Docks, to Miss Sarah Marrell, en route from England by the "Kiln."

Mr. H. W. Keen, merchant of Shanghai, to Miss Catherine Maller, of St. Germain, France.

Mr. E. F. Forbes of No. 6, Fair Villas, Kimberley Road, Kowloon, to Miss Eva Margaret Summers of No. 7, Amir Villas.

Mr. M. Black, engineer of the "Namang," to Miss Catherine Taylor, en route from Scotland by the "Kiln Maru."

Mr. E. C. Reyes of No. 79, Windham Street, to Miss Laura Gonzales of the same address.

Mr. G. R. Turner, medical missionary of Hainan, to Miss Gertrude Annie Paterson, en route from Edinburgh, Scotland.

Mr. A. I. Ribeiro of No. 21, Mosque Junction, to Miss Leida Maria Marcal of No. 7, Mosque Street.

Mr. H. P. de Luz, clerk of Messrs. Jardine, Matheson and Co., to Miss Sylvia Estrella Xavier, of 18, Macdonnell Road, eldest daughter of Mr. M. Xavier, civil engineer of the C.W.D., and Mrs. Xavier.

FOR A WEAK STOMACH.

A general tonic of the highest quality, it is to be taken a dose about 10 minutes before meals, and is especially recommended for the weak, nervous, and those who are suffering from indigestion, loss of appetite, and general debility. It is a most valuable remedy for the treatment of all cases of weakness and debility, and is especially recommended for the treatment of all cases of weakness and debility.

BUSINESS NOTICES

SPECIAL

Large Selection of Plain Coloured
Batwing Bow Ties in Silk Crepe-de-
Chine, Silk Poplin and Barathea
Silk. All Colours.

Season's Price \$1.50 each.

To make room for new Stock coming
forward we are offering present
Stock for

SPECIAL OFFER

50 Cts. each & 85 Cts. each.

MACKINTOSH & Co., Ltd. Men's Wear Specialists.
14 Des Voux Rd. Tel. 29.

FLETCHERS'

PRICKLY HEAT LOTION

RELIEVES AND CURES

THE MOST OBSTINATE CASES OF

PRICKLY HEAT.

OBTAINABLE ONLY AT

THE PHARMACY

TEL. 345.

22, Queen's Road.

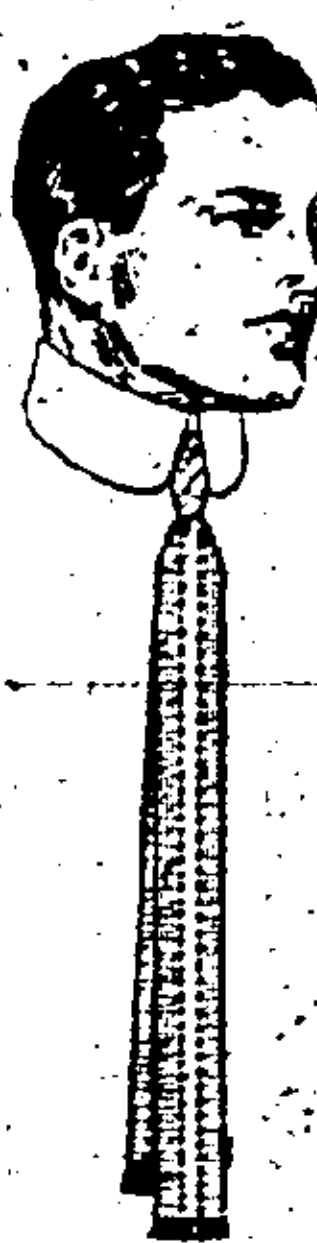
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YEE SANG FAT CO.

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WASHABLE

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ESTABLISHED 1900.
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TAILORING

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ALEXANDRA BUILDINGS.

ERVEN LUCAS BOLS

BOLS GENEVA & BOLS DRY GIN

OBTAINABLE AT:

CALDBECK, MACGREGOR & CO., L.

15, QUEEN'S ROAD CENTRAL.

TEL.

TRIALS SOLICITED BY

JAMES STEER

THE CHRONOMETER AND WATCH MAN

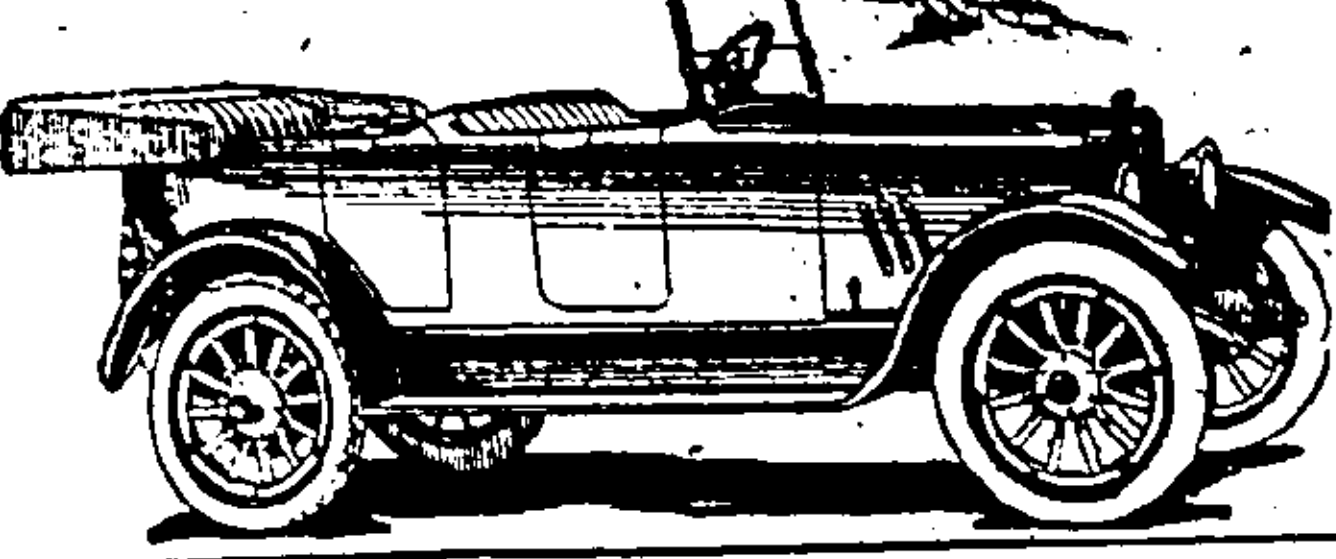
(Consultation to H. M. Naval Yard.)

4, Lee Yuen Street, Hongkong.

THE KWONG HIP LUNG CO.

THE KWONG HIP LUNG CO. is a general store of the highest quality, it is to be taken a dose about 10 minutes before meals, and is especially recommended for the weak, nervous, and those who are suffering from indigestion, loss of appetite, and general debility. It is a most valuable remedy for the treatment of all cases of weakness and debility, and is especially recommended for the treatment of all cases of weakness and debility.

MERCURY MOTOR CAR
CO.
53-61 Des Voeux Road Central.
HONGKONG.



TO-DAY'S CABLES.

(Router's Service to the China Mail)

STRUGGLE IN THE AIR.

MAD OBSERVER ATTACKS PILOT ABOVE ALDERSHOT.

A DESPERATE FIGHT.

LONDON, August 10.

An observer who went mad attacked a pilot in an aeroplane above Aldershot to-day. The pilot, after a desperate fight, managed to land with a slight crash. He was again attacked on the ground by the madman whom the aerodrome overpowered.

A BLOW ON THE HEAD.

LATER.

The pilot attacked at Aldershot was Paul Bulman, of the experimental section of the royal aircraft establishment. He was undertaking an altitude test in which oxygen is used by the observer who became insensible possibly through a flaw in the apparatus. Bulman, much alarmed, began to descend when suddenly he received a blow on the head and found the observer temporarily unbalanced. The latter apparently recovered half an hour after he was overpowered on the ground.

HOSTILE TARIFFS.

POT CALLING THE KETTLE BLACK.

LONDON, August 10.

In the House of Commons at question-time, Mr. Cecil Harmsworth, under Secretary for Foreign Affairs, stated that the French Government had protested against the Safeguarding of Industries Bill on the ground that it would adversely affect French exports. The British Government replied that it was impossible to give a full reply until the subject had been discussed. The attention of France, however, was called to the recent increase in the French tariff introduced with the avowed object of safeguarding industries from foreign competition. Mr. Harmsworth added that he must consult the Foreign Secretary before the correspondence could be published.

BRITISH COAL FOR GERMANY.

STRIKING EVIDENCE OF INCREASED IMPORT.

BERLIN, August 10.

The increased import of British coal is evidenced by the arrival of ten fully laden British colliers at Hamburg last week.

DAVIS CUP TEAM.

AMERICAN PLAYERS WHO WILL DEFEND THE CUP.

LONDON, August 10.

Tilden, Johnston, Washburn and Williams have been selected as America's team for defending the Davis Cup.

DUTCH IMPORT DUTIES NOT INCREASED.

AMSTERDAM, August 10.

A Bill recently introduced with the object of increasing the import duties has been withdrawn.

YACHTING.

ENGLAND BEATS U.S.A.

LONDON, August 11.

The six races for the six-metre class for the British and American Cup at Cowes and Ryde alternately, resulted in a win for Britain by 107 points to America's 88. Both were represented by four yachts.

HOTEL RESPONSIBILITY.

ACTOR'S CLAIM AGAINST STRAITS HOTEL.

Judgment in the action for \$500 damages brought by Mr. Phil Carlton, of the Bandman Opera Co., against the Straits Hotel for articles alleged to have been stolen, was given by Mr. P. A. F. David in the District Court.

His Honour said: "In this case the plaintiff's claim was for the loss of a despatch box, and its contents which he alleged was abstracted from his bedroom in the defendant's hotel some time during the night of January 11, 1921. Evidence was given by the plaintiff and his servant to the effect that the box was taken to the room, with other luggage, in the afternoon. The plaintiff left the room at 8 o'clock and the servant half an hour later. The latter says he locked the door but when he returned at 10 it was open. In spite of this fact he did not look to see whether his master's property was in order, but went to sleep on the veranda, and later in the bathroom above. He admits that he did not lock the door, and it seems probable that he did not even close it properly, for it was still open when the plaintiff himself returned after midnight. The plaintiff did not call the boy to explain this fact, but did he look to see whether his

valuable box was safe, but he went straight to bed and discovered the loss in the morning. From the story told by these two witnesses it seems fairly certain that the door was left open and unguarded from 8 o'clock onwards.

There was some suggestion that the whole story of the box and its loss was invented by the plaintiff for the purpose of explaining his failure to deliver certain accounts to his employer. I do not consider it necessary to express any opinion on that because I think there is ample evidence of negligence on the part of the plaintiff and his servant sufficient to relieve the defendants from liability. Judgment for defendants."

The str. "Hinkiangteen," the latest addition of the China Merchants' S. N. Co.'s fleet, will be launched next month at the Shanghai Dock & Engineering Co.'s Pootung Dock.

The O.P.O.R. "M.S. 'Monteagle'" arrived at Shanghai on Aug. 10 (8.30 p.m.) and left there Aug. 11 (7 a.m.) and is due at Hongkong on Aug. 14 (9 a.m.). The N.Y.K. "Kleist" left Shanghai for this port on Aug. 10 and is expected here on Aug. 13 and will sail for Europe via Singapore on Aug. 14. The N.Y.K. "Two Mars" left London for this port via Suez on Aug. 8 and is expected here on Aug. 12. The "Toucan" (Blue Funnel Line) left Shanghai on Aug. 11 for London, Antwerp and Havre via Hongkong. The vessel is due here on Aug. 14 and will sail on Aug. 18.

"UNIVERSITY IDEAS."

Don't suppose you read the *China Mail* leader with that headline? Not interested, perhaps? But one did.

We had quoted "The full degree course is open only to Matriculated students in residence in the University, but individual courses may be taken by external students on payment of the appropriate fees." We said that if that meant that a student living in Hongkong under his parents' roof could not take the full course and a degree, it should be altered. For we knew the views of some Chinese parents, and we could not see why (the only end being educational) it should not be allowed.

Phone message says it didn't mean that. Says "external students" did not mean full courses working for degrees while living at home (of whom there are many by permission) but students not matriculated.

To matriculate merely means to enter or be registered as a member. If the University refuses to register as a member a Hongkong student whose parents prefer him to sleep at home, that would be our grievance. But it does not. There are (the phoner says) matriculated non-residents.

So everything's all right but the English of the syllabus, which says something it does not mean. Read it again. It says the full degree course is open only to "matriculated students in residence in the University."

It should not say that, because it is open to matriculated students in residence. The University syllabus which talks so much about teaching English as a medium for expressing ideas should express its own ideas better.

CANTON'S NICKEL CURRENCY.

The new nickel coins that are being put out by the Government Mint each valued at 6 copper coins or half the value of a ten-cent silver coin, are now in circulation on the market, according to the *Canton Times*, and a proclamation has been issued by the Municipality urging the people to accept these new nickel coins at their face value. The proclamation declares that these coins can be exchanged at the Provincial Bank 2 for a ten-cent piece or 20 for a dollar.

LOCAL AND GENERAL.

Messrs. Lamert Bros. will sell a quantity of valuable household furniture by auction next Thursday afternoon at No. 6, Stewart Terrace, No. 92 The Peak.

New census forms are being supplied the different sub-post offices by the Police Department of Canton with instructions to take the census of their respective localities.

The return of notifiable diseases for the twenty-four hours ending yesterday, shows two Chinese cases of small-pox (no death), and one case of enteric fever (British).

"Drastic action" is threatened by the unpaid men of the Chinese navy in Shanghai if the month's salary recently promised to them by the Ministry of Navy is not forthcoming.

Particulars and conditions of the letting of public auction of two lots of Crown land, one on the New Road from Bowen Road to Wanchai Gap and another at Shamshui, are advertised elsewhere in to-day's issue.

In connection with the unveiling of the memorial stone at Fanling next Sunday an advertisement in this issue states that special accommodation will be provided on a train leaving Kowloon at 5 p.m. and returning from Sheung Shui at 6.17 p.m.

At a meeting of the strike leaders held yesterday afternoon it was decided that the tea house employees who ceased work at Canton on Tuesday should continue to hold out until the employers conceded their demand for shorter hours and higher wages. It is pointed out in the *Canton Times* that the strikers were careful to have the strike declared at a time when the tea houses are beginning to enjoy lively business owing to the approach of the Mid-autumn Festival.

There was an exciting interlude at the Hongkong and Shanghai Bank at Shanghai on the 2nd instant, when in the busy time of the forenoon's banking transactions an attempt was made by a Polish citizen to get away with a roll of banknotes valued at \$1,000 which he had picked up from the floor and which had been inadvertently dropped by Captain C. Williams, of Messrs. Butterfield & Swire's river steamer "Woojung." The Pole, it is believed, hid the money in his hat as soon as he picked it up, says the *Mercury*, but Captain Williams, immediately missing his money, seized the man who had been standing near him and had him searched. The money was then recovered and the man placed under arrest. He was removed to Central Police Station and will be charged at his Consulate with the theft.

A DISHONEST COOK.

Sergeant Whitbread of the Wiltshire, living at No. 3, "A" Block, Military Quarters, Kennedy Road, this morning charged his Chinese cook before Magistrate Lindell with the theft of a gold ring set with small diamonds, worth \$50, a razor and various other articles. Sergt. Whitbread said that he had missed various things between July 23 and August 9, but although he suspected the accused, could do nothing because he had no proof. When he lost the ring he communicated his suspicion to the police, and a search of the accused's effects led to the discovery of all the articles produced in Court. He then identified them as his property.

The accused admitted theft. He said that he stole the things because he needed money. He had a wife and a large family to support in the country.

The Magistrate passed sentence of six weeks' hard labour.

Miss Reid of the Matilda Hospital was shopping in town yesterday afternoon, when she lost a gold brooch set with small diamonds, worth \$3. She could not say if the ornament dropped on the road or in one of the many shops she had visited. Enquiries have been made at all the shops Miss Reid had been into without result. Pawnshops have been circumscribed by the police.

TO-DAY'S ADVERTISEMENTS.

PUBLIC AUCTION.

THE Undersigned have received instructions to sell by Public Auction

on

TUESDAY,
August 16, 1921, commencing at 3.30 p.m. at their Sales Rooms, No. 8, Des Voeux Road, Corner of Ice House Street.

One Steinway Grand Piano full size recently re-strung and fully renovated.

Can be seen by appointment with the undersigned.

Terms—Cash on delivery.
HUGHES & HOUGH
Auctioneers.
Hongkong, August 11, 1921.

PUBLIC AUCTION.

THE Undersigned have received instructions to sell by Public Auction

on

THURSDAY, August 18, 1921,
commencing at 2.45 p.m.
at No. 6, Stewart Terrace, No. 92, The Peak.

A Quantity of Valuable Household Furniture, comprising—

Teak hatstand with bevelled mirror, Chesterfield sofa and armchairs, made by Powell Ltd., Carpet, Lace and Case-mat Curtains, etc.

Teak extension dining table and chairs, sideboard with bevelled mirror, dinner wagon, ice chest, tea tables, dinner crockery and glass ware, etc., etc.

Teak double bedstead, Brass mounted single iron bedstead, Teak wardrobe with bevelled mirror, marble top washstand, toilet crockery etc.

On view from Wednesday the 17th August, (afternoon).

Catalogues will be issued.
Terms—Cash on delivery.

LAMBERT BROS.
Auctioneers.
Hongkong, August 11, 1921.

TO-DAY'S ADVERTISEMENTS.

ROWLOON CANTON RAILWAY.

Unveiling of Memorial Stone at Fanling on SUNDAY, the 14th instant.

ACCOMMODATION for those desiring to be present will be provided on train leaving Kowloon, at 3.00 p.m. Return from Sheung Shui at 6.17 p.m.

By Order,

H. P. WINSLOW,
Manager.

Kowloon, August 10, 1921.

PUBLIC AUCTION.

PARTICULARS and Conditions of the letting by Public Auction Sale, to be held on MONDAY, the 15th day of August, 1921, at 3 p.m., at the Offices of the Public Works Department, by Order of His Excellency the Governor, of one Lot of CROWN LAND at Shamshui, in the Colony of Hongkong, for a term of 75 years, commencing from 1st July, 1918, with the option of renewal at a Crown Rent to be fixed by the Surveyor of His Majesty the King, for one further term of 25 years, less 3 days.

PARTICULARS OF THE LOT.

No. of the Lot.	Boundary Measurements.	Contents in Acres, Roods, and Perches.	Annual Rent, in Hong Kong Dollars.	Upset Price.
1.	North-west corner of New Road from Bowen Road to Wanchai Gap, in the Colony of Hongkong, for a term of 75 years, with the option of renewal at a Crown Rent to be fixed by the Surveyor of His Majesty the King, for one further term of 25 years, less 3 days.	1. 0. 0.	100.	\$100.

PUBLIC AUCTION.

PARTICULARS and Conditions of the letting by Public Auction Sale, to be held on MONDAY, the 15th day of August, 1921, at 3 p.m., at the Offices of the Public Works Department, by Order of His Excellency the Governor, of one Lot of CROWN LAND on New Road from Bowen Road to Wanchai Gap, in the Colony of Hongkong, for a term of 75 years, with the option of renewal at a Crown Rent to be fixed by the Surveyor of His Majesty the King, for one further term of 25 years.

PARTICULARS OF THE LOT.

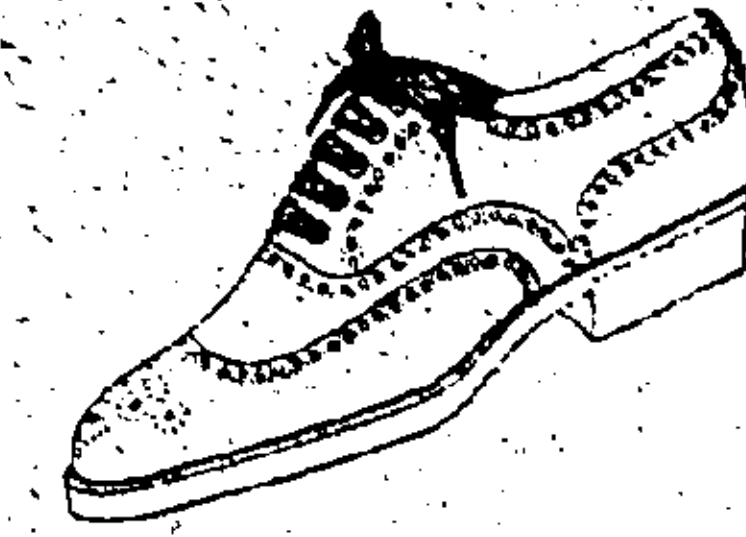
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TO SECRETARIES OF CLUBS AND OTHER INSTITUTIONS.

ALL preliminary notices of forthcoming meetings, lectures and entertainments, sent for insertion in the news columns of the *China Mail*, are charged for at the rate of \$1 each, (as announced in May and June of last year) providing that they do not occupy more than four lines. In future if this space is exceeded they will be placed in the advertising columns at the prevailing rates.

NOTICES.

SMART SUMMER SHOES



OF GUARANTEED QUALITY AND SOUND VALUE.

NEW SEASONS DISPLAY



NO SMARTER GOODS AND NO LARGER VARIETY.

WE ALSO SPECIALIZE IN WALK OVER, OAKMORE AND McAFEE'S GOLF SHOES.

LANE, CRAWFORD & CO.

COLUMBIA

CELEBRATED MARCHES

A 7520	FLASHING GLORY	Ernest's Band.
A 7516	THE LIFE GUARD	" "
A 7516	FATHER OF VICTORY	" "
A 7517	ITALIAN BIFLEMAN	" "
A 6155	HIGH SCHOOL CADETS	" "
A 7155	MARCH LOBBARINE	" "
A 6155	OUR DIRECTOR	" "
A 7155	CENTENNIAL	" "
A 7155	WASHINGTON POST	" "
A 7155	PETITS PIERROTS	" "

ANDERSON'S

(THE COLUMBIA SHOP.)



Berger Paints

Colours Enamels Varnishes.

PREPARED PAINTS OF ALL KINDS AND COLOURS.

BERGER'S LIQUID RED LEAD covers 50 per cent. more surface weight for weight, than the ordinary hard mixed Red Lead.

MATRIX—The oil paint you thin with water. Covering capacity one third more than that of Washable Distemper.

STRUCTURAL & ROOF PAINT—A preservative.

BERGER'S VARNISH—OAK VARNISH, BLACK JAPANESE, COAL, ETC.

LEWIS BERGER & SONS, LIMITED.

FRANCIS OF APPLICATIONS—STOCKS CARRIED.

SOLE AGENTS—**W. B. LEXLEY & CO.**

MR. BERGER MADE FINE COLOURS IN LONDON IN 1764.

NOTICE.

We beg to inform our patrons and the public that our Photo Studio has been closed for the last three months, and now, the adjustment of affairs having been completed, we have this day reopened our Studio. Having every confidence in giving satisfaction to our customers in the execution of our work we respectfully solicit a continuance of their kind patronage.

MUMEYA & SANO.

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E. Asia Sept. 15 Oct. 3 E. France Oct. 18 Oct. 23

E. Japan Sept. 20 Oct. 11 W. France Oct. 18 Oct. 23

E. Russia Oct. 13 Oct. 31 Victoriana Nov. 11 Nov. 20

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Aug. 18—P. & O. Dues.

28—R. F. Atreus.

29—B. F. Calcha.

30—B. F. Agamenon.

Sept. 6—R. F. Agamenon.

1—B. F. Agamenon.

7—B. F. City of Canton.

17—B. F. Eurymachus.

18—B. F. Eurymachus.

19—B. F. Eurymachus.

INTERESTING
EXTRADITION CASE.AN EXCEEDINGLY ABLE
DEFENCE.

A KNOTTY PROBLEM.

Interest continues to increase with every hearing of the Canton extradition case, which has been occupying the attention of Magistrate Lindell at several hearings during the past fortnight. Yesterday afternoon when the case was again up for hearing, a crowd of several hundreds of Chinese besieged the small court for admission. It was lucky for the spectators that Magistrate Orme had cases yesterday afternoon, and Magistrate Lindell was able to transfer the venue of the hearing to the larger Court, thus saving many from disappointment. As it was, accommodation was taxed to its fullest. In spite of the heat, a mass of people, male and female, wedged closely together like sardines in the well of the Court, beyond the reach of the fans, and with very little breeze blowing in from outside. The inconvenience, however, was apparently insignificant compared with the popularity of the drama, for the "audience" with very few exceptions, remained in their cramped, uncomfortable positions for nearly two hours, until the Court rose, and then departed with much of interest to discuss.

In this case, Mr. T. M. Hazell (Assistant Crown Solicitor) applied for the extradition to Canton of a Chinese man and a woman on a charge of having stolen \$1,100 worth of jewellery from a Chinese banker in that city.

Mr. G. K. Hall Brutton, who opposed the application, raised the question as to which is the recognised legal Government of China—the Peking or the Canton one.

On this point there had been much argument which so far had led to nowhere, and it still remains to be decided.

Yesterday afternoon was devoted to the hearing of evidence for the defence.

The female fugitive was the only witness called by Mr. Brutton. Giving her evidence with intelligence and great clearness, she related the history of every piece of jewellery produced in Court. Some, she said, she had received from her sister; some she had made or adapted at her own expense; and the remainder the banker gave her. She also gave particulars of transactions with the Tung Shing Jeweller's shop at Canton, and this evidence was confirmed by entries in the firm's books, photographs of which Mr. H. K. Woo had gone to Canton to secure.

With regard to a bangle which the woman said she had made at another Jeweller's shop at Canton, Mr. Woo was able in the witness box to point out to the Magistrate the Chinese characters representing the name of the firm mentioned, engraved on the inside of the bangle.

The defence having closed, there remained only the question raised by Mr. Brutton as to which Government in China was legally recognised by the Powers.

Remarking that argument would be saved in case he came to a conclusion on the evidence given, in favour of the defence, the Magistrate said he would adjourn the hearing until Monday next, and in the meantime confine himself to considering whether there was a *prima facie* case against Mr. Brutton's clients. Should he be unable to come to a decision, then Counsel would be given an opportunity of arguing the other point.

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STRAITS SHIPPING
DISPUTE.

IMPORTANT JUDGMENT.

STRONG CRITICISM OF OFFICIALS.

Appended is the full text of the judgment delivered by Mr. Justice Barrett-Lennard in the Singapore Supreme Court (briefly cabled by our correspondent) in the case of the Eastern Shipping Company versus the Attorney-General. The case was heard a few days ago, when Mr. R. St. J. Braddell and Mr. Palgrave Simpson (Penang) appeared for the plaintiffs and the Attorney-General was represented by Mr. M. J. Upcott.

His Lordship said: This is an action brought against the Attorney-General as the representative of the Crown claiming (1) a declaration that the plaintiffs are entitled to compensation for the unauthorised expropriation by the Crown of nine steamships belonging to the plaintiffs; (2) a declaration that the plaintiffs are entitled to compensation in respect of the unavoidable deterioration of certain marine stores left in their hands when such expropriation took place; and (3) a declaration that the plaintiffs are entitled to have such compensation assessed by or under the direction of the Court.

The Attorney-General confesses the right of the plaintiffs to declarations (1) and (2). The answer made to the prayer for declaration No. 3 is that the steamships were requisitioned by the Governor in exercise of the power for that purpose vested in him by clause 6 of an Imperial Order in Council, dated 26th October 1896, which was published in this Dependency on 6th August 1914, and that under clause 13 of such order any compensation due to the plaintiffs must be assessed by a Board consisting of five persons, of whom one shall be Judge or Specially Magistrate; two shall be Officers, either in the service of the Civil Government, or His Majesty's naval or military service, and the other two shall be inhabitants of this Dependency. The plaintiffs' counsel stated that no objection would probably have been raised to the tribunal described if the chairman of it had been one of the Judges of this Court. But the learned counsel intimated that the plaintiffs will not voluntarily refer their claims to such a Board as the Government constituted.

CAN THE PLAINTIFFS CLAIM RELIEF?

It follows that the real question is whether the plaintiffs can obtain the relief which they seek in the present proceedings. I have never doubted that in the absence of special circumstances to be hereafter mentioned, the procedure, and the only procedure, open to the plaintiffs would have been a Petition of Right in the form given in one of the Schedules to the Crown Suits Ordinance 1876. An examination of Section 18 of the Ordinance and of the case of Attorney-General versus Wemyss (13 A. C. 192) will show that a Petition is applicable when the relief claimed or prayed for, is for the restitution of any corporeal right on a return of lands or chattels, or a payment of money or damages founded on some wrong or injury done. With reference to the last branch of this proposition it is the case that the Crown in many Colonies has always undertaken works which in England were counted among the activities of private persons, and therefore the Secretaries of State or other responsible Ministers have in framing or suggesting legislation, thought it right to deprive the Crown of that immunity for torts committed by its servants which it enjoys at common law. Nevertheless no modern case can be produced which illustrates the grant of the necessary relief otherwise than upon a Petition of Right.

PETITION OF RIGHT. An ordinary action against the Attorney-General of this Dependency can only be instituted in cases falling within Section 57 of the Crown Suits Ordinance. These are all cases in which a Petition of Right is not applicable and the Crown is brought

before the Court, the Attorney-General, as representing the interests of the Crown, being made a defendant. According to the present practice no Order is ever made in any ordinary action requiring the Crown to do any act. The Court simply declares that the Crown is, or is not, entitled to certain property, or that a Will or Settlement does or does not create a charitable trust, or that the Crown can, or can not, insist that a particular thing be done.

CHANCERY CASES.

I quite realise that what I have stated was not perhaps the practice followed in the old Court of Chancery. Cases like Rowlat vs. the Attorney-General (Hardres 463), which point to the conclusion that a Petition of Right claiming equitable relief was not at one time heard by the Court of Chancery. Bills were exhibited against the Attorney-General and declarations, having all the effect of Orders, were regularly passed. It may be that Petitions were supposed to be confined to matters of which the Common Law Courts took cognisance, or that the Lord Chancellor, who endorsed the Petitions, did not care to name his own Court of which, for a very long period—he was the sole Judge. Be this as it may, I know that no lawyer to-day ever seeks, either directly or indirectly, to recover, or get possession of, anything under the dominion of the Crown except by way of a Petition.

Now, the result of the third declaration sought, if made, will be to deplete the coffers of the Crown, and on this ground I came to the conclusion above expressed. The special circumstances to which I have alluded are as follows: A Petition of Right was presented to the Governor on December 10, 1918. No acknowledgment of it was given until February 22, 1919. On that day the Acting Colonial Secretary (Mr. W. George Maxwell) wrote to the plaintiffs' solicitor: "I am directed to inform you that, as your clients' ships have been requisitioned by the Crown by virtue of the Royal Prerogative and not under the Defence Order in Council 1896, your clients are not entitled to compensation to be assessed by a Board to be appointed under the said Order in Council, and indeed are not legally entitled to any compensation at all. The Crown, however, is willing to pay ex gratia to your clients a sum by way of compensation based on the rates of hire payable to those owners who have signed the Limer Requisition Charter Parties."

(2) Under the circumstances the Governor in Council does not see his way to endorse, as prayed, your clients' Petition of Right.

CROWN REFUSAL.

The Crown consistently refused until after the institution of this action to recognise any duty of perfect obligation towards the plaintiffs. The Attorney-General, on behalf of the Crown, now admits that there never was the slightest justification for citing the prerogative, or refusing the fiat or for assuming that the Crown was not bound to pay for the use of the ships. In other words, a fiat upon a Petition presented with a view to obtaining payment of compensation would now be granted as of course. In these circumstances the use of a Petition would be an idle ceremony.

THE KING'S HONOUR.

Further, I am of opinion, to use some of the language of Baron Atkyns in Pawlett vs. the Attorney-General, that it would derogate from the King's honour to imagine that he, as the fountain head of justice and equity, could possibly desire his subjects, already smarting under grave injustice, to change the headings of their cause-papers and start proceedings as of right at law. In connection with this topic it is right to notice three arguments.

ARGUMENT UNWORTHY OF CONSIDERATION.

First it was said that the Petition presented in December, 1918, merely referred to the Imperial Order in Council, and that the plaintiffs in this action deny the application of such order, and allege that the Crown acted in a manner wholly unauthorised by any rule of law or equity. From these premises the conclusion drawn

was that the Governor in Council never refused to grant the prayers now before the Court. Whatever may have been the merits of such an argument in the eye of formalism; it is to-day unworthy of serious consideration, and it is not the type of argument which this Court expects to hear on behalf of the Crown. It is within the knowledge of the plaintiff that the Court can amend any petition or other pleading so as to do right between the parties. And this is the only answer it is necessary to give.

"MAY" IMPLIES "MUST."

Secondly, it was contended that the Governor-in-Council has an entire discretion as to whether he will fiat a petition and that this Court cannot directly or indirectly review his decision. Section 19 of the Crown Suits Ordinance enacts that the petition shall be considered by the Governor-in-Council, who, if it appears to him that the claim is a bona fide claim which cannot be amicably settled, may order that right shall be done. The question whether the word "may" imposes an imperative obligation or creates a mere power has been debated in our Courts on very many occasions. The rule to be extracted is stated by Lord Cairns in Julius vs. the Bishop of Oxford (5 A. C. 214 at 225). He said: "My lord, cases to which I have referred appear to decide nothing more than this: that where a power is deposited with a public officer for the purpose of being used for the benefit of persons who are specifically pointed out, and with regard to whom a definition is supplied by the Legislature of the conditions upon which they are entitled to call for its exercise, that power ought to be exercised and the Court will require it to be exercised."

The foregoing statement is the one which, until instructed by superior authority, I shall accept as representing the true doctrine. It indicates, I think, that, if a claim is made in good faith and cannot be amicably settled, the petitioner has an absolute right to the fiat. To cite English practice under 23 and 24 Vict. chapter 34 is beside the mark. Section 2 of the Imperial Act is as follows: "The petition shall be left with the Secretary of State for the Home Department, in order that the same may be submitted to Her Majesty for Her Majesty's gracious consideration, and in order that Her Majesty, if she shall think fit, may grant Her fiat that right shall be done."

IN THE COLONY.

Here the Crown's chief executive officer grants the fiat, and obviously he is in a widely different situation to the great personage who actually executes the office of the Crown. I may add, however, that in England a fiat is never refused on the ground that the petitioner is very unlikely to succeed. It is granted at the instance of every person who prefers a case in good faith and the legal aspects of it are determined by the Courts and not by the Attorney-General. This is in accord with the spirit of lofty impartiality which has in modern England gained for that wonderful creation of law, called the Crown, the millions who owe it allegiance.

The third argument was that the plaintiffs ought to have applied for the enforcement of the duty to grant the fiat, assuming, of course, that such a duty existed. The exact nature of the application was not specified but I gathered that it ought to have been for the issue of the prerogative writ of mandamus. I think that the contention is sufficiently answered by an earlier portion of this judgment.

WAR RIGHTS IN PEACE TIME.

I pass to the question whether the Crown can found on the Order in Council of Oct. 26, 1896, or on an amending Order dated March 21, 1916, and published here on the 20th of the following May. Though the plaintiffs, by their pleadings impeach the validity, in point of law, of clauses 12 and 13 of the Order of 1896, it was assumed that the two Orders are still in force for all purposes. The notion that the Crown, in the exercise of its prerogative, can "during a period of peace, subject the inhabitants of a British dependency to obligations wholly at variance with the funda-

mental concepts of our constitution is so startling that I should be slow in yielding assent to it. It is not, however, necessary to reach any conclusion upon the point for three reasons:

NO POWER TO EXPROPRIATE.

First the plaintiffs' ships were expropriated on Oct. 5, 1918, when this Empire most certainly was at war, and the legislation no doubt justified. Thus it may very well be that if such expropriation were lawful, the resulting claim for compensation ought to be assessed in the manner mentioned in clause 13 of the Order of 1896.

Secondly, I am of opinion that the plaintiffs' ships never were expropriated in exercise of any powers conferred upon the Governor of this Dependency.

Thirdly, and in the alternative, the Crown is not now at liberty to invoke clause 13 of the Order of 1896. Clause 6 enacts: "The Governor may require any person to supply any animals, vehicles, ships, boats or other personal property, belonging to or under the control of such person, to the Government, if such property be required in aid of or in connection with the defence of the Colony, and in default of the person supplying the same, may seize and take possession of and retain any such animals, vehicles, boats or any other personal property for such purposes."

THE REQUISITIONING LETTER. Clause 4 of the amending Order enables the Governor to delegate the power above set out to the naval or military authorities in the Colony. The notice of the intention to seize the plaintiffs' ships is contained in a letter in the subjoined form. It is addressed to the plaintiffs' managing director and is signed by the Colonial Secretary, Mr. F. S. James.

"Sir—In view of the refusal of your Directors to sign the Charter-party under the 'Limer Requisition Scheme' I have to give you notice that as from the 7th inst your vessels, steamships Punjab, Perak, Perlis, Jin Ho, Renong, Trang, Omaperi, Pin Seng and Ghirbi will be removed from your management and in future be run and managed by Mr. Quah Beng Kee. You will, therefore, hand over all necessary documents and supply all information to that gentleman, as he may require."

NOT THE NECESSARY NOTICE.

This is not such a notice as the Orders in Council contemplate. Persons whose property was about to be seized had an absolute right to a notice or other document signed by the Governor, or by one of the persons mentioned in the amending Order in Council and containing a reference to clauses 6 of the Orders in Council. In my opinion it was incumbent on the Governor to pursue strictly the authority given to him.

With reference to my third proposition, the Governor in Council in order to place the plaintiffs entirely at the mercy of the Crown, deliberately elected to waive any possible title traceable to the Orders in Council. In my opinion that election cannot now be ignored in order to force the plaintiffs before a Board to the constitution of which they object. I have now disposed of all the defences.

PLAINTIFFS' RIGHTS.

In my opinion the plaintiffs are clearly entitled to the three declarations which they seek and to the costs of this action. The plaintiffs urge that the first declaration should be prepared with an expression of opinion on the part of the Court that the Crown wrongfully trespassed upon and converted the nine ships to its own use. There is no occasion for any expression of opinion in the formal order as to the ground upon which the liability to pay compensation rests. The plaintiffs do not suggest that the measure of the compensation depends in any way upon the errors made by officials. Therefore the question as to whether such acts were tortious or innocent, is, in this action, of academic interest only. But if the plaintiffs had sued persons who purported to act under Governmental authority, it would have been of the greatest importance, from the viewpoint of such persons, to establish that the seizure was not invalid. For this reason,

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I abstain from expressing the view which I have formed upon the point.

TWO COMMENTS.

Before parting with the case I think it desirable to comment on two matters. First, there would, probably have been no trial at all had the Colonial Secretary shown wisdom and toleration during the negotiations with the plaintiffs' Board of Directors. His view as to the rights of the Crown was quite unfounded and yet he sought to enforce it by language and other conduct calculated to outrage the feelings of the gentlemen in question and awaken great anxiety as to whether adequate compensation ever would be paid. As to the official attitude subsequent to the seizure of the ships, the best comment, perhaps, is that the Attorney-General's advocate has not advanced one word in defence of it. This brings me to the last matter. I noticed, not with surprise, but with regret, that neither of the Law Officers thought it incumbent upon him to appear at the bar. Now, according to an usage grown venerable with age and not lightly to be broken in upon, the highest Courts in England and in

every British dependency will conduct before them cases, to which the Crown is a party, if of great public importance or difficulty. It is not, in my opinion, consistent either with the dignity of this Court or with that of the Government that the ancient practice, to which I have referred, should be neglected. But I hope it will never be imagined that the Court is not sensible of the debt which it owes to those advocates in private practice who discharge the forensic duties of the present Law Officers. The Court is fully satisfied as to their capacity, but is of the opinion that their presence alone in important Crown cases is hardly consistent with the spirit of our constitution.

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